

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

MARK LESLIE, et al.,

Defendants.

Case No. 5:07-CV-03444-JF

**[PROPOSED] ORDER GRANTING
LEAVE TO FILE A MOTION FOR
RECONSIDERATION [AND
GRANTING MOTION FOR
RECONSIDERATION] OF THE
COURT'S AUGUST 19, 2008 ORDER
GRANTING IN PART AND DENYING
IN PART MOTIONS TO DISMISS AND
TO STRIKE**

1 Before the Court is Defendant Kenneth E. Lonchar's motion pursuant to N.D. Cal. Local
2 Rule 7-9 for Leave to File a Motion for Reconsideration and for Reconsideration of this Court's
3 August 19, 2008 Order Granting in Part and Denying in Part Motions to Dismiss and to Strike.

4 After full consideration of the pleadings, and the papers on file herein, the Court orders
5 that:

6 Mr. Lonchar's Motion for Leave to File a Motion for Reconsideration is GRANTED.

7 [Mr. Lonchar's Motion for Reconsideration is GRANTED. The Court hereby dismisses
8 the Third Claim against Mr. Lonchar for violations of Section 13(b)(5) of the 1934 Act and SEC
9 Rule 13b2-1.]

10 IT IS SO ORDERED.

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12 Dated: _____

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14 JEREMY FOGEL
15 United States District Judge
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